

U.S. Patent Appln. Serial No. 09/800,997
Amendment and Response to Office Action dated November 19, 2004
April 7, 2005

REMARKS

Claims 1-28 and 66 are pending in this application. Claims 1-3, 10-11, 15-16, 18-20, 25, 27 and 66 are rejected under 35 U.S.C. § 102(a) as allegedly anticipated by European Patent Application No EP 1-014-318 A2 to Yamaguchi ("Yamaguchi"). Claims 4-9, 12-13, 17, 21-24, 26 and 28 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Yamaguchi in view of U.S. Patent No. 6,390,362 to Martin ("Martin"). Applicants respond as follows.

I. Claim Rejections Under 35 U.S.C. § 102(a).

Claims 1-3, 10-11, 15-16, 18-20, 25, 27 and 66 are rejected under 35 U.S.C. § 102(a) as allegedly anticipated by Yamaguchi. However, Applicants submit that Yamaguchi is not available as a reference because the inventions of claims 1-3, 10-11, 15-16, 18-20, 25, 27 and 66 were conceived by Applicant Watters prior to the effective date of the Yamaguchi reference of June 29, 2000 and diligence toward a constructive reduction practice began prior to June 28, 2000.

To present facts showing conception and diligence resulting in a constructive reduction to practice beginning prior to June 28, 2000 of the inventions of claims 1-3, 10-11, 15-16, 18-20, 25, 27 and 66, the Declaration of Kevin P. Watters is submitted. Mr. Watters is a Senior Vice President of JP Morgan Chase Bank, N.A., is a named inventor on the application and has personal knowledge of the facts stated therein. See Declaration of Kevin P. Watters (attached). The Declaration evidences the fact that the inventions of claims 1-3, 10-11, 15-16, 18-20, 25, 27 and 66 were conceived and diligence commenced prior to June 28, 2000 resulting in a constructive reduction to practice on December 1, 2000 by the filing of U.S. provisional patent application serial no. 60/257,120.

Based on the Declaration of Kevin P. Watters, Applicants submit that sufficient facts have been shown that the inventions of claims 1-3, 10-11, 15-16, 18-20, 25, 27 and 66 were conceived prior to the effective date of the Yamaguchi reference, and that beginning at a time prior to June 28, 2000, diligence began resulting in a constructive reduction to practice by the filing of a provisional patent application serial no. 60/257,120 filed December 1, 2000.

Therefore the Yamaguchi reference should be withdrawn as a basis for this anticipation rejection.

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II. Claim Rejections Under 35 U.S.C. § 103(a).

Claims 4-9, 12-13, 17, 21-24, 26 and 28 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Yamaguchi in view of Martin. For the same reasons as set forth in Sec. I *supra*, Applicants respectfully submit that Yamaguchi is not available as a reference for this obviousness rejection. Since Martin does not disclose each and every limitation of claims 4-9, 12-13, 17, 21-24, 26 and 28, Applicants respectfully submit that the inventions of claims 4-9, 12-13, 17, 21-24, 26 and 28 are not anticipated by or obvious in view of Martin and request that this rejection be withdrawn.

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CONCLUSION

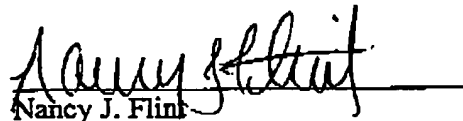
It is believed that claims 1-28 and 66 are in condition for allowance, and Applicants request that they be allowed at this time. This response has been filed within five (5) months of the mailing date of the Office Action and Applicants authorize the Commissioner to deduct a fee of \$450.00 for a two month extension of time in filing this response. If any variance between the fees that are determined to be due and the authorized fees, the Commissioner is hereby authorized to charge or credit that variance to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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